

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NEW YORK PACKAGING II, LLC,

Plaintiff,

-against-

SFM LLC d/b/a SPROUTS FARMER'S  
MARKET,

Defendant.

For Online Publication Only

FILED

CLERK

11:23 am, Mar 16, 2021

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
ORDER LONG ISLAND OFFICE  
20-CV-304 (JMA) (ARL)

**AZRACK, United States District Judge:**

Plaintiff New York Packaging II, LLC (“Plaintiff”) commenced this action against defendant SFM LLC d/b/a Sprouts Farmer’s Market (“Defendant”) for breach of contract. (See ECF No. 1.) Defendant filed a motion to dismiss, which I referred to Magistrate Judge Lindsay for a report and recommendation on December 11, 2020. Judge Lindsay issued a report and recommendation dated March 1, 2021, recommending that Defendant’s motion be granted (the “R&R”). (ECF No. 15.)

In reviewing a magistrate judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also *Brown v. Ebert*, No. 05-CV-5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See *Pall Corp. v. Entegris, Inc.*, 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the R&R and the deadline for filing any

such objections has passed. I have reviewed Judge Lindsay's R&R for clear error and, finding none, I hereby adopt Judge Lindsay's comprehensive and well-reasoned R&R as the opinion of the Court. Accordingly, the Court **GRANTS** Defendant's motion to dismiss. The Clerk of Court is respectfully directed to enter judgment and close this case.

**SO ORDERED.**

Dated: March 16, 2021  
Central Islip, New York

/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE